

Message Text

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FM SECSTATE WASHDC

TO USDEL MTN GENEVA

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FOLLOWING REPEAT STATE 180111 ACTION EC BRUSSELS
OECD PARIS 30 JULY.

QUOTE

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E.O. 11652: N/A

TAGS: ETRD, OECD, EEC

SUBJECT: OECD GOVERNMENT PROCUREMENT CODE AND THE EC

REFERENCE: (A) EC BRUSSELS 6557 (B) OECD PARIS 18870

1. ADDRESSEES AWARE OUR DEDICATION TO USE OF NEXT TWO
MEETINGS OF TCWP TO ADDRESS ALL OUTSTANDING ISSUES WITH
HOPE OF DETERMINING THEREBY WHAT IS ACHIEVABLE AS TO THE
INGREDIENTS OF A PROCUREMENT CODE.

2. EC AGENDA PROPOSALS SE
T TO OECD SECRETARIAT (REFTEL A)
PAY LIP SERVICE TO THIS ENDBUT ARE VIEWED HERE AS ATTEMPT
TO COVER UP FACT THAT EC INTERNAL PROGRESS HAS NOT BEEN
SUFFICIENT TO PERMIT THE KIND OF PARTICIPATION WE WOULD
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LIKE BY THE EC. CLEARLY THE SUBJECTS OF ENTITIES, DERO-

GATIONS, STATISTICS, SURVEILLANCE, AND DISPUTE SETTLEMENT, ARE IMPORTANT ISSUES WHICH MUST BE RESOLVED. BUT AT THE SAME TIME WE ARE CONCERNED THAT COMMUNITY HAS NOT MODIFIED ITS POSITION ON ENTITIES OR SURVEILLANCE AND DISPUTE SETTLEMENT. IN THIS CONNECTION THE EC SHOULDNOTE THAT U.S. HAS MADE TWO EFFORTS TO BE RESPONSIVE TO EC CONCERNS ON SURVEILLANCE AND DISPUTE SETTLEMENT.

3. WE ARE DISAPPOINTED THAT IN SUGGESTING DISCUSSION OF ENTITIES THE COMMUNITY WANTS TO CONFINED IT TO SUBSIDIARY PROBLEMS OF HOW AND BY WHOM THE ENTITY LIST OF THE ORIGINAL CODE MAY LATER BE AMENDED. WE ALSO PERCEIVE THAT IN SUGGESTING A COMMITTEE OF STATISTICAL EXPERTS THE EC IS SKIRTING THE ISSUE. IN FACT, THE PROBLEM IS REALLY ONE OF SUBSTANCE, NAMELY, WHAT INFORMATION GOVERNMENTS WOULD THINK NECESSARY AND BE PREPARED TO PROVIDE FOR PURPOSES OF SURVEILLANCE AND DISPUTE SETTLEMENT. WITH REGARD TO DEROGATION ISSUE, WE WOULD AGREE IT REQUIRES MORE DEFINITIVE INPUTS THAN WE HAVE YET RECEIVED AS TO WHAT DEROGATIONS GOVERNMENTS ARE REALLY STRIVING TO INCLUDE. WE SEE NO PURPOSE IN HAVING THE DISCUSSION OF THRESHOLD IN THIS CONTEXT WHEN, IN FACT, THRESHOLD LEVELS MAY NOT BE IMPORTANT EXCEPT POSSIBLY WITH REGARD TO A SMALL BUSINESS DEROGATION. WE AGREE THAT ADHESION AND WITHDRAWAL FROM THE CODE ARE IMPORTANT ELEMENTS OF THE FINAL PROVISIONS PART OF THE DRAFT CODE. HOWEVER, LIKE ALL OTHER ELEMENTS OF THAT PART, THEY SHOULD MORE PROFITABLY BE DISCUSSED ONLY AFTER A BETTER APPRECIATION IS OBTAINED OF WHAT EARLIER PARTS OF THE DRAFT CODE ARE WHEN IN CLEARER FOCUS. IT WOULD CERTAINLY BE ENVISAGED THAT ANY DISCUSSION OF DISPUTE SETTLEMENT WOULD ADDRESS WITHDRAWAL AS THE ULTIMATE RECOURSE FOR ANY GOVERNMENT WHOSE RIGHTS HAVE BEEN FLAGRANTLY ABUSED. IN SUM, EC ATTEMPTS LARGELY TO USE IMPORTANT AGENDA ITEMS ONLY TO FOCUS WORK EFFORT ON TANGENTIAL ASPECTS OF THESE ITEMS AT EXPENSE OF PROFITABLE USE OF TIME ON MAJOR ISSUES.

4. EC BRUSSELS REQUESTED TO CONVEY TO THE COMMISSION, PREFERABLY AT THE BRAUN OR GUNDELACH LEVEL, OUR APPRECIATION OF THEIR INTERNAL PROBLEMS BUT DISAPPOINTMENT LIMITED OFFICIAL USE

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CONCERNING THE AGENDA SUBMISSION. ALL POSSIBLE EFFORT SHOULD BE MADE TO CONVINCE COMMISSION TO AVOID PRESSING FOR DISCUSSION OF THESE TANGENTIAL ISSUES.

5. OECD PARIS REQUESTED TO WORK WITH SECRETARIAT TO INSURE INCLUSION OF ALL U.S. SUGGESTIONS ON AGENDA AND ATTEMPT TO MINIMIZE THE TANGENTIAL ASPECTS OF EC AGENDA SUGGEST

ONS. INGERSOLL

UNQUOTE. KISSINGER

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